THE BURDEN OF PROOF

Synopsis of Chapters Already Published

her cousin, Tom Griswold, knows some-thing about the case.

Jim is convicted of murder and sen-tenced to death, three weeks being al-lowed him in which to carry out his last wish of sending \$5,000 to Arizona. He chooses Bess Brown as his messenger, On her cousin's desk she finds a note signed "Harvey." which she keeps as im-portant evidence for Jim. On the train to Wickenburg she meets a young wo-man, a Miss Jackson, who cleverly man-ages to substitute her suit case for Bess' containing the money and note. In Miss containing the money and note. In Miss Jackson's suit case Bess finds two letters, signed "B." Her search for Mrs. Snow results in failure. On the street one day she catches sight of a familiar figure, and she hurries in pursuit.

CHAPTER XXIX.

THE JAILBIRD IM HOLDEN had been in State's prison for three days. He could hardly tell one day from the other. There was nothing to do abruptly except sit and absorb the chill prison atmosphere that bored in to his very

Jim was a jailbird. The word appealed to him peculiarly. It was so trivial and triffing in sound and somber in mean-

The comparison made the word strong. Jim could think of nothing stronger. He was a jailbird. That was all. The three days had passed as time goes in prison. There was no change.

The only recreation allowed was that of walking with the others in his tier to glancing quickly at the prisoners who his meals. Even that privilege would be denied him later on, when the time of his execution drew nearer. Holden thought suddenly of the death

watch. He had heard so much about that. How would it seem? How would it feel to have a guard all to himself for twenty-four hours before his death. There were interesting things about being sentenced to die. There was much to think over, much that Jim had heard about all his life, but had only dimly realized before. Now he was living the life that he had read of with fascinated Around him, in the other cells, were

criminals of all classes. Some sentenced for life, others "in" for from ten to others." twenty-five years. It was a choice collection of weeds among which Jim found

And yet he had no right to consider bird like the rest." himself as being any different from them. How did he know but that they had been victims of circumstance, the

He suddenly felt a sympathy for them all. Though their faces were villainous and their manner bestial, still was nothing but a unit. That thought rest.' possessed him continually.

"A little better this time," was his greeting; then he related how Bess had already started on her journey and that everything seemed to be all right.

Jim was not greatly affected by the news. It meant little to him now. All he was interested in was that he would be there only a little over two weeks more. Well, it was better to have it all over with at once than to he was interested in was that he would be where only a little over two weeks more. Well, it was better to have it all over with at once than to he would be where the little in the second his whole if the provide well and he would be there only a little over two weeks more. Well, it was better to have it all over with at once than to he was interested in was that he would spend his whole life in jail. He could

Then the lawyer proceeded to argue with Jim about having another trial. He had brought up the subject by the had brought up the subject by th he dld not have the money.

he did not have the money.

Now Holden answered in the same strain, that he did not have a cent, that he would not accept a cent from his friends and, furthermore, he might as well die at once as to struggle for a new trial and have the agony prolonged.

The did not have the money.

In the same had locked him up securely. He was happier here than he could be outside, with the fear of the law ever at his heels.

Freedom was sweet, but peace of mind was almost as sweet. If he were out and the law were after him he

But you might be acquitted the second time," bisisted the lawyer, impatient with firm's stubborness.

second time than we have now? It glad for the chance of relaxation. He didn't take the jury long to make up wanted to stretch his legs, those legs their minds before; if they get a sec-ond chance I wouldn't wonder if they'd The men were let out one at a time. cut down their record by half an hour." When Jim saw Red Ryan's door swing The lawyer found his task hopeless, open he knew that the guard on his

Jim felt in his own mind that every- side would release him next. Then thing was against him, so he changed his door was opened and he swung "Have you settled up all my ac- already learned to do.

Yes," was the reply

functal expenses?" "Whose funeral expenses?" cried the stealing toward his right sleeve.
other, looking at Jim with wide eyes. Holden had already caught a strange

cold-blooded," protested the lawyer. moist on his hand and then there was "When it's all up with a man he might a slight tug at the bottom of his coat. as well take things philosophically," That was all. The order came to smiled young Holden. "How much is march, and, in single file, they started there left, if anything, after deducting for the dining room.

"She wouldn't take any expenses out great for him.

of the fund. She is paying her own."

"But I told you to insist."

Why did this man Red Ryan persist in bothering him? He wondered what

the lawyer. Then he added, consulting and what was the significance of that a memorandum. "You've got six hun-dred dollars left, and all expenses paid." all so strange that somehow he felt

Jim paused for some time before he his surprise he suddenly found a little

., . BY ... CARLTON

Written Expressly As a Serial for The Washington Times.

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It was rough and slightly sticky from

the gum, but otherwise did not differ

rom an ordinary big bone batton, such

Then it occurred to Jim to look li

he held the button glose to his eyes.

ad been carefully pricked with some

ividently a message was printed on the

As he looked more intently he found,

wound from the outer edge of the but-

ended, with a cross in the middle, be-

ween the regular holes in the button.

Jim realized the extraordinary clev-

where and concealed in a moment.

made out the following:

also bore scratches.

upper time. Outside help."

Holden proceeded to spell out the

s are used on underglothes

of surprise.

most desperate criminals we have. He's | did the button mean? He rubbed his worked out parts of ten sentences. He's fingers over its bony surface mechanbeen arrested a hundred times. He's ically roken jail twenty or so times, and he's sed up more policemen and guards

han any man in the business.

"What's his business?" asked Jim. "Oh, he's an all-around man," smile he other, "anything from petty theft o mur-" The lawyer caught himsel ust in season, and changed the finish f his sentence to "bigamy." Jim winced a little at the sudden break, but when the lawyer had finished

he smiled up at him. "You'd better be careful," the attorney warned Jim. "He might get you mixed up in some scrap there. He's under heavy sentence and has some powerful pals outside. You don't want o get in with him.'

"What harm could it do me?" laughed Jim, "I'm going to the chair in a little over two weeks myself."

The lawyer averted his eyes and the corners of his mouth drew down.

There was an awkward silence for some minutes. Then the lawyer left Jim fell to wondering about this man

Red Ryan; the name was very familia o him now. It had appeared in head lines more often than the President's Just then his attention was attracted to the door at one end of the tier, which shut them off from the remainder of the prison. The door clanged open and a party of five was ushered in by one of he guards.

There were two women, a man, and two young ladies. They walked down the center of the aisle between the cells peered out at them through the bars. They stopped a moment at the end of

The party was opposite Jim's cell The two young ladies had already look ed in at him. Jim turned his head and pretended not to notice them. "Did you see the one in the end cell?

asked the youngest of the women. Jim overheard in spite of the sub "Which one?" queried the other,

sharp-nosed, school-ma'am type. The younger woman indicated Jim i cautious manner as she whispered; "Don't you think he looks different"

He doesn't seem as hardened as the The girl's companion suppressed : augh, and replied, in a low voice: "You little simpleton, he's only a jall-

CHAPTER XXX.

THE BUTTON. Jim still sat there, his head between his hands,

. He kept repeating the girl's they were men, and among them he words, "He's only a jailbird, like the

On the fourth day the lawyer came Now he understood why once a man is

live to hear from Bess that his one look ahead and see what a few years last act had been well received by Mrs. in this awful atmosphere would do for Snow. He could not die content with- him. Yes, as long as he must be pun-

He had brought up the subject before, Not a bit. He could picture himself but Jim had resisted on the plea that hunted and alone. No, it was well they

patient with Jim's stubbornness.
"I guess not," stated the prisoner,
"what more proof would we have the marched out to their dinner. Jim was

into line behind Red Ryan, as he had

The moment he stepped into the procession and while the guards were "Paid yourself and allowed for the busy starting the march for the din ing room, Jim suddenly felt a hand

look from Red Ryan, a look pregnant The way you talk, man! It's too with meaning. Now he felt something

the \$5,000 that Bess took, and her ex- Jim was confused. He did not know how to act. This mystery was too

"I did, but it was no good," replied the fellow was doing with his hand "As much as that?" queried Jim.
"That's it; what do you want done ith it?"

guilty of doing wrong of some kind.

At the dinner table Jim felt carefully along the inside of his coat. To

Jim paused for some time before he made reply; he was thinking of how to use the money most advantageously. He would give it to charity, but he was not sure just what way would be the best to choose.

"I tell you," he said, finally. "You'd better keep that money for me until I flink it over a while."

"Ail right," agreed the lawyer.

"Say," broke out Jim, after a few ninutes' pause, "tell me about some of my fellow prisoner's here, will you?"

"What do you want to know about them? I don't know much about them. But I've seen and heard of a few."

"Who's that black-haired, swarthy, low-brow right opposite, No. 4500?"

"Why?" queried the other, quickly, looking at Jim with a curious keenness in his eyes.

"I was just wondering. He's been eyeing me every time we go to meals. I march right behind him, and he's trying to attract my attention for something or other, Who is he?"

"That's Red Ryan. He's one of the

Then suddenly he remembered that he had noticed one of the prisoners blow his nose twice just before they were led out to one of the meals the day before.

"Return!" That would be hard. What if Jim were caught returning the button to Ryan? It would be heard of outside the prison and everybody would think that he was planning to escape. Then it suddenly occurred to him that he had not thought at all of the possibility of his taking advantage of the offer. He remembered his conclusion that he had come to earlier in the day and saw 'he wisdom of it.

It would be absolute folly for him to attempt to escape, especially with such a crowd of men. He would surely be caught and then even those who had faith in his innocence would have a over more carefully. The light had al- right to doubt him.

ready been turned on in his cell, and Still it would be worth more before he died, if only for a little time. Then Jim stifled a little exclamation Nevertheless he felt that he would be better off if he stayed in jail and made He had discovered that this button no attempt to get away with the others. His answer was due. Jim realized thing sharp, probably a pin or needle. that it was almost supper time and he would be expected to reply then. If he A small figure in the shape of an arow attracted his attention. He held did not reply he must at least return the buttons still closer to his eyes, and the button to show that he was in sympathy and would not give the ound capital letter next to the arrow. scheme away, even if he did not feel button in those wonderfully small let- that he could take advantage of the

Replacing the button carefully in the gum, Jim turned out his light and sat ndeed, that a close row of the letters on the edge of his bed, waiting for the supper call.

ton to the inner, and there the message He was very nervous. This business of plotting was all so new to him. Yet it would be cowardly in him to go back on these men. They had trusted him rness of this mode of communication. with their secrets; the only thing he If the button were found it would not could do would be to keep it for them. Buckeye Official Says Texas Lodge be likely that a guard would look at He would not be a traitor. it closely. It could be slipped any-

Had not the girl said that he was just a jailbird? And as he was that, his folmessage. It was rather difficult on ac- low prisoners had a right to demand count of the smallness of the letter- secrecy from him through the commo ing, and the fact that the cutting in | bond.

strument had occasionally slipped. But, The supper call came. Jim tried to In course of fifteen minutes, Jim had appear at ease when his door was thrown open and he marched out, to is entirely regular and Masonic in every fall in behind Red Ryan. In his hand respect, the denunciation of the Masonic was a sticky wad of gum, containing the chapter of Wortham, Texas, notwith-"No moon 24th. Back wall dynamite. That was all there was on the one ace of the button. Jim turned it over wickly and found that the other side

isk.

He thought again of the last words:
With us? Blow twice. Return."

Jin puzzled over the "blow twice."

The Continuation of This Story Will Be Found in Tomorrow's Issue of This Paper.

TILLMAN MAY DODGE INSURGENTS GONE, SENATE'S GAG RULE

Senator May Hurry Deliv- Venerable Pastor Declares ery of His Speech Against the President.

Owing to Senator Lodge's resolution to it is probable that the South Carolina plied under the Senate routine.

leagues contend, can accomplish his announced purpose "to bring Theodore Roosevelt face to face with his true self," by delivering his speech while debating the change in the rules. Should Senator Tillman not seize this opportunity, it is likely that the Lodge resolution will be adopted on a party vote and Mr. Tillman's speech could never he delivered. The proposed amendments are as follows:

made.

At last night's meeting M. L. Frear was installed as deacon to succeed F. J. R. Wurdemann, Charles Shepherd, elected Monday night to succeed F. M. Barclay, was also to have been installed, but was kept away from the by the resignation of A. D. Spangler, a deacon, and one of the anti-Butler forces, will be filled at a meeting to be held on the evening of February 18. oate. Mr. Tillman, some of his col- made

"When the reading of a paper is called for and objected to, or when the reading of a paper by a Senator is objected to, such objection shall be determined by a vote of the Senate without the senate without the reading of a paper by a Senator is objected to, such objection shall be determined by a vote of the Senate without the senate

"MASON AT SIGHT" DEFENDED IN OHIO

Has No Right to Object.

CINCINNATI, Ohio, Feb. 5.-That the ction of the Grand Master of Ohio in granting a special dispensation to make President-elect Taft a Mason on sight He made a quick move to attach the gum under Red's coat. It was a clumsy, awkward motion. The quick eye of the guard detected it.

Stevenson. standing, was the statement made here today by W. B. Melish, past grand mas-

also bore scratches.

In a mement he had found the starting place here and read rapidly:

"Overpower guard. Escape through hole. With us? Blow twice. Return."

Jim understood perfectly now. Redd ruping the Ryan and several of his gang were imprisoned in this tier of cells. They had made arrangements outside to have the wall dynamited on the 24th of that month, which was only about six days away. The wall would be dynamited at supper time, the guards would be thrown into a panic and the men, with their knowledge of what the explosion was could escape through the hole assily to find help outside.

It was a daring plan. There was not much chance of many of them getting away, but Jim realized that probably all were ready and anxious to take the special start of the guard.

With us? Blow twice. Return."

Number 4872, what have you got in your right hand?

"Number 4872, what have you got in your right hand?"

It was a lrightful moment for Jim. The second before he answered Jim caught sight of Red Ryan's cheek It had gone a dead white. Holden know how much depended on him. He would not know how much depended on him. He would not know how much depended on him. He would not know how much depended on him. There is honor among thieves, and he was a daring plan. There was not much chance of many of them getting away, but Jim realized that probably all were ready and anxious to take the special in a threatening manner, the man asked in a voice that "Number 4872, what have you got in your right hand?"

It was a leightful moment for Jim. The dispensation of the Ohio Grand Master makes Mr. Taft a Mason "at the would not know how much depended on him. He would not know how much depended on him. He would not know how much depended on him. He would not let them oriting the first of definition condeming the Grand Master of Ohio it is evident that the Texas chapter is existent to sell the an irregular one or that it was a lightful moment for Jim. The dispensation of the Ohio Grand Master makes Mr. Taft a Mason "at the first of the

fruitless efforts to subdue the malady The death made the third of the children to be carried off inside of thirty-

SAYS DR. BUTLER

All Is Serene in His Church.

"The insurgents have been repulsed amend the rules of the Senate, presum- and are in full retreat," said the Rev. ably to prevent Senator Tillman from Dr. J. G. Butler, the venerable pastor delivering his speech on the President, of Luther Place Memorial Church, in commenting this morning upon the resstatesman will rush the completion of ignation of several members of the his proposed attack upon Mr. Roosevelt church, the last of which was that of and deliver it before a gag can be ap- L. Alden Russell, treasurer of the church. Mr. Russell's resignation was Senator Lodge's resolution has been read and accepted last night at a meetreferred to the Committee on Rules. ing presided over by the pastors Dr. W. Before the rules of the Senate can be J. Graham will serve as treasurer until amended the matter is subject to de- a permanent selection for the office is

ton schools, and Mrs. James Honey, debate.

"No Senator in debate shall refer offensively to either of the other coordinate departments of the Government or to the other branch of Congress."

"No Senator in debate shall refer offensively to either of the other coordinate departments of the Government or to the other branch of Congress."

"It senous, and Mrs. James Figure 1, wife of a colliery official, with several women friends, were pursued a half-mile by two highwaymen, who kept up a fire from their revolvers. The women escaped in safety to their homes.



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